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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 09/894,391	Applicant(s) EPSTEIN, MICHAEL
	Examiner LAN-DAI TRUONG	Art Unit 2452

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ~~03~~ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 29 June 2011.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.
- 4) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) Claim(s) 4-10 is/are pending in the application.
- 5a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 6) Claim(s) _____ is/are allowed.
- 7) Claim(s) 4-10 is/are rejected.
- 8) Claim(s) _____ is/are objected to.
- 9) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 10) The specification is objected to by the Examiner.
- 11) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____
- 5) Notice of Informal Patent Application
- 6) Other: _____

DETAILED ACTION

1. This action is response to amendment filed 06/29/2011. Claims 4-10 are pending; claims 1-3 and 11-13 are canceled; claims 4-7 are amended.

Response to arguments

2. Applicant's arguments filed on 06/29/2011 been considered but are moot in view of the new ground(s) of rejection.

3. The previous rejection to claims 4-7 under 35 USC § 112 is withdrawn responding to the amendments to claims 4-7.

4. Response to the amendments added to claims 5-7, the previous rejection under 101 to those claims is withdrawn.

Claim objections

5. Claims 4-5 are objected to because of the following informalities: the claim recites element “the unauthorized users” which lacks antecedent basis. Appropriate corrections are required.

6. Claims 4-6 are objected to as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In instance case, the feature of “continuously requesting randomly selected source information from the unknown source unit a statistically observable difference from the expected response time of a local source is detected” is indefinite. The claim language fails to point out the subject matter which applicant regards as their invention. Appropriate correction is required. However for examination purpose,

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examiner will interpret this feature as “continuously requesting randomly selected source information from the unknown source unit if no [[a]] statistically observable difference from the expected response time of a local source is detected”.

Claim rejections-35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-7, 9-10 are rejected under 35 U.S.C 103(a) as being un-patentable over Couillard (U.S. 20030123491) in view of Sheymov et al. (U.S. 7,197,563) in view of Giacalone et al. (U.S. 2009/0240721) and further in view of Pritchard et al. (U.S. 2002/0147930)

Regarding claim 4:

Couillard discloses the invention substantially as claimed, including a security system comprising:

a verifier apparatus to facilitate an assessment by the verifier apparatus of the physical proximity of the source of a response, based on an assessment of actual response times associated with one or more responses received from an unknown second source to one or more requests issued from a first source to the unknown second source: (Couillard discloses a time server is capable to determine if any attack of "Man in the middle" causes delaying roundtrips of the packets those are traveled from the time server to a client station over a network and verse

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(Couillard, [0058]-[0060]; [0065]-[0066]; [0070]; figure 1; [0013]-[0014]; [0016]-[0018]). It would have been obvious that at least one verifier would be included in the time server to implement step of determining delaying roundtrips of the packets. In Couillard's system, the assessment corresponding to packets roundtrips is built and evaluated in order to find if any network behavior/ and the network attack occur. It should be an attack occurs or network behavior occurs if the roundtrip is over threshold values, and then an error message/ or notification will be sent to the administrator/ or the client station).

a timer apparatus operably coupled to the verifier apparatus for measuring response times between a request for content from a first source and a response from the unknown second source: (the time server has capabilities of extracting time information from packet received from client station for roundtrip delay evaluation. It would have been obvious that those steps should be operatively implemented from at least one timer and one verifier. In other word, the time server should comprises a timer and a verifier those operatively process those steps: Couillard, figure 5, item 503; [0065]-[0066]; figure 1b, items 113, 117).

a storage medium for storing the actual response times for limiting subsequent access of the unauthorized users or notifying an external source of the unauthorized users: (the extracted time values are compared against predetermined threshold values. It would have been obvious that there should be a storage device for storing the predetermined threshold values: Couillard, figure 1b, item 111; [0059]).

the assessment of one or more responses performed by the verifier: (the time server analyzes the assessment of packets roundtrips to recognize if any network behaviors/ or attacks

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from "Man in the middle": Couillard, [0058]-[0059]; [0065]-[0066]; [0070]; figure 1; [0013]-[0014]; [0016]-[0018]).

However, Couillard does not explicitly disclose determining an authorization to process protected material.

In analogous art, Sheymov discloses a monitoring center capable to verify unauthorized access attempts, see (Sheymov, column 4, lines 1-14; column 7, lines 39-67; figure 2, item 200).

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Sheymov's ideas monitoring to verify unauthorized access attempt into Couillard's system in order to provide a secure communication system, see (Sheymov, column 1, lines 20-25).

However, Couillard-Sheymov does not explicitly disclose a request for access to randomly selected source information.

In analogous art, Giacalone discloses method of randomly selecting content to be played on schedule, see (Giacalone, [0059]-[0060])

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Giacalone's ideas of randomly selecting content to be played on schedule into Couillard-Sheymov's system in order to increase conveniences for system's users (see, Giacalone, [0008]).

However, Couillard-Sheymov-Giacalone does not explicitly disclose continuously requesting selected source information from the unknown source unit a statistically observable difference from the expected response time of a local source is detected.

In analogous art, Pritchard teaches when the time interval of access request matches with stored predetermined time intervals, access allowed, see (Pritchard, figure 3, items 312, 314, 316, 318, 320; abstract; [0033], [0050]-[0054]).

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Pritchard's ideas access request authorized based upon assessment of its response times into Couillard- Sheymov-Giacalone's system in order to provide a secure communication system (e.g. hacker proof protection of an online communication network) (see, Pritchard, [0008]).

Regarding claim 5:

Couillard discloses the invention substantially as claimed, including a security system comprising:

a verifier apparatus to facilitate an assessment by the verifier apparatus of the physical proximity of the source of a response, based on an assessment of actual response times associated with one or more responses received from an unknown second source to one or more requests issued from a first source to the unknown second source: (Couillard discloses a time server is capable to determine if any attack of "Man in the middle" causes delaying roundtrips of the packets those are traveled from the time server to a client station over a network and verse (Couillard, [0058]-[0060]; [0065]-[0066]; [0070]; figure 1; [0013]-[0014]; [0016]-[0018]). It would have been obvious to know that at least one verifier would be included in the time server to implement step of determining delaying roundtrips of the packets. In Couillard's system, the assessment corresponding to packets roundtrips is built and evaluated in order to find if any network behavior/ and the network attack occur. It should be an attack occurs or network

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behavior occurs if the roundtrip is over threshold values, and then an error message/ or notification will be sent to the administrator/ or the client station).

a timer apparatus operably coupled to the verifier apparatus for measuring response times between a request for content from a first source and a response from the unknown second source: (the time server has capabilities of extracting time information from packet received from client station for roundtrip delay evaluation. It would have been obvious to understand that those steps should be operatively implemented from at least one timer and one verifier. In other word, the time server should comprises a timer and a verifier those operatively process those steps: Couillard, figure 5, item 503; [0065]-[0066]; figure 1b, items 113, 117).

a storage medium for storing the actual response times for limiting subsequent access of the unauthorized users or notifying an external source of the unauthorized users: (the extracted time values are compared against predetermined threshold values. It would have been obvious to understand that there should be a storage device for storing the predetermined threshold values: Couillard, figure 1b, item 111; [0059]).

one or more responses are stored for limiting subsequent access of the unauthorized users or notifying an external source of the unauthorized users: the extracted time values are compared against predetermined threshold values. It would have been obvious to understand that there should be a storage device for storing the predetermined threshold values: Couillard, figure 1b, item 111; [0059]).

the assessment of one or more responses performed by the verifier: (the time server analyzes the assessment of packets roundtrips to recognize if any network behaviors/ or attacks

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from "Man in the middle": Couillard, [0058]-[0059]; [0065]-[0066]; [0070]; figure 1; [0013]-[0014]; [0016]-[0018]).

However, Couillard does not explicitly disclose determining an authorization to process protected material.

In analogous art, Sheymov discloses a monitoring center is capable to verify unauthorized access attempts, see (Sheymov, column 4, lines 1-14; column 7, lines 39-67; figure 2, item 200).

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Sheymov's ideas monitoring to verify unauthorized access attempt into Couillard's system in order to provide a secure communication system, see (Sheymov, column 1, lines 20-25).

However, Couillard-Sheymov does not explicitly disclose a request for access to randomly selected source information.

In analogous art, Giacalone discloses method of randomly selecting content to be played on schedule, see (Giacalone, [0059]-[0060])

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Giacalone's ideas of randomly selecting content to be played on schedule into Couillard-Sheymov's system in order to increase conveniences for system's users (see, Giacalone, [0008]).

However, Couillard-Sheymov-Giacalone does not explicitly disclose continuously requesting selected source information from the unknown source unit a statistically observable difference from the expected response time of a local source is detected.

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In analogous art, Pritchard teaches when the time interval of access request matches with stored predetermined time intervals, access allowed, see (Pritchard, figure 3, items 312, 314, 316, 318, 320; abstract; [0033], [0050]-[0054]).

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Pritchard's ideas access request authorized based upon assessment of its response times into Couillard- Sheymov-Giacalone's system in order to provide a secure communication system (e.g. hacker proof protection of an online communication network) (see, Pritchard, [0008]).

Regarding claim 6:

Couillard discloses the invention substantially as claimed, including a security system comprising:

a verifier apparatus to facilitate an assessment by the verifier apparatus of the physical proximity of the source of a response, based on an assessment of actual response times associated with one or more responses received from an unknown second source to one or more requests issued from a first source to the unknown second source: (Couillard discloses a time server is capable to determine if any attack of "Man in the middle" causes delaying roundtrips of the packets those are traveled from the time server to a client station over a network and verse (Couillard, [0058]-[0060]; [0065]-[0066]; [0070]; figure 1; [0013]-[0014]; [0016]-[0018]). It would have been obvious to know that at least one verifier would be included in the time server to implement step of determining delaying roundtrips of the packets. In Couillard's system, the assessment corresponding to packets roundtrips is built and evaluated in order to find if any network behavior/ and the network attack occur. It should be an attack occurs or network

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behavior occurs if the roundtrip is over threshold values, and then an error message/ or notification will be sent to the administrator/ or the client station).

a timer apparatus operably coupled to the verifier apparatus for measuring response times between a request for content from a first source and a response from the unknown second source: (the time server has capabilities of extracting time information from packet received from client station for roundtrip delay evaluation. It would have been obvious to understand that those steps should be operatively implemented from at least one timer and one verifier. In other word, the time server should comprises a timer and a verifier those operatively process those steps: Couillard, figure 5, item 503; [0065]-[0066]; figure 1b, items 113, 117).

a storage medium for storing the actual response times for limiting subsequent access of the unauthorized users or notifying an external source of the unauthorized users: (the extracted time values are compared against predetermined threshold values. It would have been obvious to understand that there should be a storage device for storing the predetermined threshold values: Couillard, figure 1b, item 111; [0059]).

the assessment of the response times forms an assessment of whether the one or more responses were immediately available, or whether the one or more responses were a result of a determination: (the time server has capabilities of extracting time information from packets received from client stations for roundtrip delay evaluations. The extracted time values are compared against predetermined threshold values to determine if roundtrip time is corrected or delayed: Couillard, figure 5, item 503; [0065]-[0066]; figure 1b, items 113, 117).

the assessment of one or more responses performed by the verifier: (the time server analyzes the assessment of packets roundtrips to recognize if any network behaviors/ or attacks

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from "Man in the middle": Couillard, [0058]-[0059]; [0065]-[0066]; [0070]; figure 1; [0013]-[0014]; [0016]-[0018]).

However, Couillard does not explicitly disclose determining an authorization to process protected material.

In analogous art, Sheymov discloses a monitoring center is capable to verify unauthorized access attempts, see (Sheymov, column 4, lines 1-14; column 7, lines 39-67; figure 2, item 200).

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Sheymov's ideas monitoring to verify unauthorized access attempt into Couillard's system in order to provide a secure communication system, see (Sheymov, column 1, lines 20-25).

However, Couillard-Sheymov does not explicitly disclose a request for access to randomly selected source information.

In analogous art, Giacalone discloses method of randomly selecting content to be played on schedule, see (Giacalone, [0059]-[0060])

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Giacalone's ideas of randomly selecting content to be played on schedule into Couillard-Sheymov's system in order to increase conveniences for system's users (see, Giacalone, [0008]).

However, Couillard-Sheymov-Giacalone does not explicitly disclose continuously requesting selected source information from the unknown source unit a statistically observable difference from the expected response time of a local source is detected.

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In analogous art, Pritchard teaches when the time interval of access request matches with stored predetermined time intervals, access allowed, see (Pritchard, figure 3, items 312, 314, 316, 318, 320; abstract; [0033], [0050]-[0054]).

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Pritchard's ideas access request authorized based upon assessment of its response times into Couillard- Sheymov-Giacalone's system in order to provide a secure communication system (e.g. hacker proof protection of an online communication network) (see, Pritchard, [0008]).

Regarding claim 7:

Couillard discloses the invention substantially as claimed, including processing system comprising:

a verifier apparatus to facilitate an assessment by the verifier apparatus of the physical proximity of the source of a response, based on an assessment of actual response times associated with one or more responses received from an unknown second source to one or more requests issued from a first source to the unknown second source: (Couillard discloses a time server is capable to determine if any attack of "Man in the middle" causes delaying roundtrips of the packets those are traveled from the time server to a client station over a network and vice (Couillard, [0058]-[0060]; [0065]-[0066]; [0070]; figure 1; [0013]-[0014]; [0016]-[0018]). It would have been obvious to know that at least one verifier would be included in the time server to implement step of determining delaying roundtrips of the packets. In Couillard's system, the assessment corresponding to packets roundtrips is built and evaluated in order to find if any network behavior/ and the network attack occur. It should be an attack occurs or network

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behavior occurs if the roundtrip is over threshold values, and then an error message/ or notification will be sent to the administrator/ or the client station).

a storage medium for storing the actual response times for limiting subsequent access of the unauthorized users or notifying an external source of the unauthorized users: (the extracted time values are compared against predetermined threshold values. It would have been obvious to understand that there should be a storage device for storing the predetermined threshold values: Couillard, figure 1b, item 111; [0059]).

a timer apparatus operably coupled to the verifier apparatus for measuring response times between a request for content from a first source and a response from the unknown second source: (the time server has capabilities of extracting time information from packet received from client station for roundtrip delay evaluation. It would have been obvious to understand that those steps should be operatively implemented from at least one timer and one verifier. In other word, the time server should comprises a timer and a verifier those operatively process those steps: Couillard, figure 5, item 503; [0065]-[0066]; figure 1b, items 113, 117).

the assessment of one or more responses performed by the verifier: (the time server analyzes the assessment of packets roundtrips to recognize if any network behaviors/ or attacks from "Man in the middle": Couillard, [0058]-[0059]; [0065]-[0066]; [0070]; figure 1; [0013]-[0014]; [0016]-[0018]).

However, Couillard does not explicitly disclose determining an authorization to process protected material.

In analogous art, Sheymov discloses a monitoring center is capable to verify unauthorized access attempts, see (Sheymov, column 4, lines 1-14; column 7, lines 39-67; figure 2, item 200).

the renderer being configured to preclude the rendering corresponding to the select data item in dependence upon whether other data items of the plurality of data items are available to the renderer: (when an unauthorized access attempt is detected, the access data packet will be defended. It is essential to understand at least one render should be built within Sheymov's system and used to process access requests when the requests is allowed/or denied: Sheymov, column 2, lines 64-67).

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Sheymov's ideas monitoring to verify unauthorized access attempt into Couillard's system in order to provide a secure communication system, see (Sheymov, column 1, lines 20-25).

However, Couillard-Sheymov does not explicitly disclose a request for access to randomly selected source information.

In analogous art, Giacalone discloses a method of randomly selecting content to be played on schedule, see (Giacalone, [0059]-[0060]).

a renderer for receiving a plurality of data items corresponding to a data set, and for producing therefrom a rendering corresponding to a select data item: (selected contents to will be played on the schedule: Giacalone, [0059]-[0060]).

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Giacalone's ideas of randomly selecting content to be played on

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schedule into Sheymov-Pritchard's system in order to increase conveniences for system's users (see, Giacalone, [0008]).

However, Couillard-Sheymov-Giacalone does not explicitly disclose continuously requesting selected source information from the unknown source unit a statistically observable difference from the expected response time of a local source is detected.

In analogous art, Pritchard teaches when the time interval of access request matches with stored predetermined time intervals, access allowed, see (Pritchard, figure 3, items 312, 314, 316, 318, 320; abstract; [0033], [0050]-[0054]).

precludes the rendering based at least in part on an assessment of the response times: (if there is no match between time intervals of coming password and time intervals of stored passwords, then access is denied: Pritchard, [0010]; [0033]-[0034]; [0037]; [0050]-[0054]).

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Pritchard's ideas access request authorized based upon assessment of its response times into Couillard- Sheymov-Giacalone's system in order to provide a secure communication system (e.g. hacker proof protection of an online communication network) (see, Pritchard, [0008]).

Regarding claim 10:

In addition to rejection in claim 7, Couillard-Sheymov-Giacalone-Pritchard further discloses configuring to randomly select the other data items: (randomly selecting content to be played on schedule: Giacalone, [0059]-[0060]).

Regarding claim 9:

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In addition to rejection in claim 7, Couillard-SheyMOV-Giacalone-Pritchard further discloses form the assessment based on at least one of: an average of the response times, a comparison of the response times to one or more threshold times, and a statistical test based on the response times: (the interval timer starts calculating time intervals for the incoming password attempt for comparison with the time intervals that are predetermined and incorporated into the stored password: Pritchard, [0010]; [0033]-[0034]; [0037]; [0050]-[0054]).

Claim 8 is rejected under 35 U.S.C 103(a) as being un-patentable over Couillard-SheyMOV-Giacalone-Pritchard in view of Bridge (U.S. 7,412,594)

Regarding claim 8:

Couillard-SheyMOV-Giacalone-Pritchard discloses the invention substantially as disclosed in claim 7, but does not explicitly teach response times corresponds to determination of whether the other data items are located in physical proximity to a renderer.

In analogous art, Bridge discloses associations between object response times and physical proximities of objects, see (Bridge, column 1, lines 38-48).

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Bridge's ideas of associations between object response times and physical proximities of objects into Couillard-SheyMOV-Giacalone-Pritchard's system in order to save resources and development time by implying Bridge's ideas into Couillard-SheyMOV-Giacalone-Pritchard's system.

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Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusions

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LAN-DAI Thi TRUONG whose telephone number is (571)272-7959. The examiner can normally be reached on Monday- Friday from 6:30am to 2:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thu Nguyen can be reached on 571-272-6967. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Patent Examiner
/LDT/
Examiner, Art Unit 2452
09/07/2011.

/THU NGUYEN/
Supervisory Patent Examiner, Art Unit 2452